



February 9, 2005

SENATE BILL No. 405

DIGEST OF SB 405 (Updated February 7, 2005 12:04 pm - DI 102)

Citations Affected: IC 3-5; IC 3-10; noncode.

Synopsis: Municipal election schedule. Establishes a procedure by which a majority of the municipalities in a county may require the county election board to conduct municipal elections in even-numbered years. Requires a county containing a consolidated city to conduct municipal elections in even-numbered years beginning in 2012.

Effective: July 1, 2005.

Miller, Heinold

January 13, 2005, read first time and referred to Committee on Elections and Civic Affairs.
February 8, 2005, amended, reported favorably — Do Pass.

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SB 405—LS 7127/DI 75+



February 9, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 405

A BILL FOR AN ACT concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-26.1 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2005]: **Sec. 26.1. "General election year" refers to an**
- 4 **even-numbered year that is not a presidential election year.**
- 5 SECTION 2. IC 3-5-2-40.5 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2005]: **Sec. 40.5. "Presidential election year" refers to a year in**
- 8 **which an election for President of the United States is held.**
- 9 SECTION 3. IC 3-10-6.5 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2005]:
- 12 **Chapter 13. Municipal Elections in Even-Numbered Years**
- 13 **Sec. 1. This chapter applies to municipal elections conducted by**
- 14 **a county election board in a county if a majority of the**
- 15 **municipalities in a county adopt an ordinance placing the county**
- 16 **under this chapter.**
- 17 **Sec. 2. If the majority of the municipalities of a county adopts an**
- 18 **ordinance placing the county under this chapter, the following**

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1 apply:

2 (1) The county election board of the county may not hold a
3 municipal election in an odd-numbered year.

4 (2) Each municipality for which the county election board of
5 the county conducts the municipality's elections shall adopt an
6 ordinance providing for election of all municipal officers in
7 even-numbered years.

8 Sec. 3. (a) An ordinance adopted under section 2 of this chapter
9 may provide for any of the following:

10 (1) That the election of all elected municipal officers is held in
11 presidential election years.

12 (2) That the election of all elected municipal officers is held in
13 general election years.

14 (3) That, to stagger the election of municipal officers, the
15 election of some elected municipal officers occurs in the
16 presidential election year and the election of the other elected
17 municipal officers occurs in the general election year.

18 (b) If the ordinance provides for staggering of the election of
19 elected municipal officers under subsection (a)(3), the ordinance
20 must state which officers are elected in presidential election years
21 and which officers are elected in general election years.

22 Sec. 4. An ordinance adopted under section 2 of this chapter
23 must do the following:

24 (1) State the first even-numbered year in which an election for
25 elected municipal officers will occur.

26 (2) State the term of office for each elected municipal officer
27 who is first elected in an even-numbered year under the
28 ordinance. The term of office of such an elected municipal
29 officer may not be more than four (4) years.

30 (3) Provide that the term of office of each elected municipal
31 officer begins on January 1 following the date of the election.

32 Sec. 5. An ordinance adopted under section 2 of this chapter
33 may not shorten the current term of office of an elected municipal
34 officer who holds office on the day the ordinance is adopted.

35 Sec. 6. Notwithstanding any other law, the following apply:

36 (1) The elected municipal officers of a municipality that
37 adopts an ordinance under section 2 of this chapter shall be
38 elected in the even-numbered years as provided in the
39 ordinance.

40 (2) The elected municipal officers first elected under an
41 ordinance adopted under section 2 of this chapter shall serve
42 the term of office stated in the ordinance, beginning on

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January 1 after the election.

(3) The term of office of the successor of each elected municipal officer first elected in an even-numbered year under an ordinance adopted under section 2 of this chapter is four (4) years beginning on January 1 after the election.

Sec. 7. An ordinance adopted under section 2 of this chapter may provide other details for municipal elections not in conflict with this chapter or other law.

SECTION 4. [EFFECTIVE JULY 1, 2005] (a) This SECTION applies only to a county containing a consolidated city.

(b) The definitions in IC 3-5-2 apply throughout this SECTION.

(c) Notwithstanding any other law, an individual elected to a city or town office at the 2007 general election takes office at noon, January 1, 2009.

(d) The term of office of an individual described in subsection (c) expires at noon, January 1, 2013.

(e) The successors of the individuals described in subsection (c) shall be elected at the November 2012 general election.

(f) This SECTION expires July 1, 2013.

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SENATE MOTION

Madam President: I move that Senator Heinold be added as second author of Senate Bill 405.

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 405, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-26.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2005]: **Sec. 26.1. "General election year" refers to an even-numbered year that is not a presidential election year.**

SECTION 2. IC 3-5-2-40.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2005]: **Sec. 40.5. "Presidential election year" refers to a year in which an election for President of the United States is held.**

SECTION 3. IC 3-10-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2005]:

Chapter 13. Municipal Elections in Even-Numbered Years

Sec. 1. This chapter applies to municipal elections conducted by a county election board in a county if a majority of the municipalities in a county adopt an ordinance placing the county under this chapter.

Sec. 2. If the majority of the municipalities of a county adopts an ordinance placing the county under this chapter, the following apply:

- (1) The county election board of the county may not hold a municipal election in an odd-numbered year.**
- (2) Each municipality for which the county election board of the county conducts the municipality's elections shall adopt an ordinance providing for election of all municipal officers in even-numbered years.**

Sec. 3. (a) An ordinance adopted under section 2 of this chapter may provide for any of the following:

- (1) That the election of all elected municipal officers is held in presidential election years.**
- (2) That the election of all elected municipal officers is held in general election years.**
- (3) That, to stagger the election of municipal officers, the election of some elected municipal officers occurs in the presidential election year and the election of the other elected**

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municipal officers occurs in the general election year.

(b) If the ordinance provides for staggering of the election of elected municipal officers under subsection (a)(3), the ordinance must state which officers are elected in presidential election years and which officers are elected in general election years.

Sec. 4. An ordinance adopted under section 2 of this chapter must do the following:

(1) State the first even-numbered year in which an election for elected municipal officers will occur.

(2) State the term of office for each elected municipal officer who is first elected in an even-numbered year under the ordinance. The term of office of such an elected municipal officer may not be more than four (4) years.

(3) Provide that the term of office of each elected municipal officer begins on January 1 following the date of the election.

Sec. 5. An ordinance adopted under section 2 of this chapter may not shorten the current term of office of an elected municipal officer who holds office on the day the ordinance is adopted.

Sec. 6. Notwithstanding any other law, the following apply:

(1) The elected municipal officers of a municipality that adopts an ordinance under section 2 of this chapter shall be elected in the even-numbered years as provided in the ordinance.

(2) The elected municipal officers first elected under an ordinance adopted under section 2 of this chapter shall serve the term of office stated in the ordinance, beginning on January 1 after the election.

(3) The term of office of the successor of each elected municipal officer first elected in an even-numbered year under an ordinance adopted under section 2 of this chapter is four (4) years beginning on January 1 after the election.

Sec. 7. An ordinance adopted under section 2 of this chapter may provide other details for municipal elections not in conflict with this chapter or other law."

Page 1, line 1, after "(a)" insert "This SECTION applies only to a county containing a consolidated city.

(b) The definitions in IC 3-5-2 apply throughout this SECTION. (c)".

Page 1, line 2, delete "local" and insert "city or town".

Page 1, line 4, delete "(b)" and insert "(d)".

Page 1, line 5, delete "(a)" and insert "(c)".

Page 1, line 6, delete "(c)" and insert "(e)".

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Page 1, line 6, delete "(a)" and insert "(c)".

Page 1, delete lines 8 through 11.

Page 1, line 12, delete "(e)" and insert "(f)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 405 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 6, Nays 3.

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